DOCUMENT RESUME

ED 279 598 SO 018 038

AUTHOR Thomas, R. Murray
TITLE Eight Conditions Influencing the Implementation of Educational Rights.
PUB DATE 87
NOTE 13p.; Paper presented at the annual meeting of the Conference of the Comparative and International Education Society (Washington, DC, March 12-15, 1987).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Community Responsibility; *Conflict; *Economic Factors; Educational Environment; Educational Opportunities; *Educational Responsibility
IDENTIFIERS *Educational Rights

ABSTRACT

The extent to which claims to educational rights are actually fulfilled in a society depends on a variety of conditions. There are eight conditions that can contribute to a society's falling short in the implementation of those rights. The conditions include: (1) complacency--failure to take steps toward ensuring that the right is honored in practice; (2) economic incapacity--society cannot afford the cost of implementing a right; (3) administrative inefficiency--inability to disseminate information about educational rights or to issue effective sanctions to people who violate these rights; (4) political expediency--public endorsement of a right while, in practice, making no significant attempt toward implementation; (5) lack of consensus--disagreement over the suitability of the claimed right so some make no effort to support implementation of the right leading to attempts to frustrate or ignore enforcement; (6) intergroup competition and conflict--one group seeks educational advantages over another group; (7) conflicting rights--a right claimed by one individual or group is in conflict with the right claimed by another; and (8) lack of diversity of instructional services--the education system is not effectively designed to serve the needs of minorities. The eight conditions are not mutually exclusive and are frequently entwined with others. (APG)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED279598

EIGHT CONDITIONS INFLUENCING THE IMPLEMENTATION OF EDUCATIONAL RIGHTS

by R. Murray Thomas

SO018038

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

R. Murray Thomas

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

BEST COPY AVAILABLE

ABSTRACT: "Eight Conditions Influencing the Implementation of Educational Rights"

by R. Murray Thomas

The extent to which claims to educational rights are actually fulfilled in a society depends on a variety of conditions. Eight of the conditions that can contribute to a society's falling short in the implementation of such rights are: (1) complacency, (2) economic incapacity, (3) administrative inefficiency, (4) political expediency, (5) lack of consensus in the society about rights, (6) intergroup competition and conflict, (7) conflicts between rights, and (8) lack of diversity of instructional services for minority groups.

Eight Conditions Influencing the Implementation

of Educational Rights

R. Murray Thomas
University of California, Santa Barbara

The extent to which claims to educational rights are actually fulfilled in a society depends on a variety of conditions. The purpose of this paper is to describe eight of the conditions that can contribute to a society's falling short in the implementation of such rights.

1. Complacency *People who claim to honor an educational right can fail, out of complacency, to take steps toward ensuring that the right is honored in practice.* The use of such terms as inalienable right or God-given right can lull people into complacency. Their assumption, then, is that the right will necessarily be honored, or if it is not, sanctions against people who violate the right will be applied by a supreme power, such as God or the "natural order to life."

Two rather obvious principles that bear on this factor of complacency are: (1) No human right is automatically guaranteed; constant vigilence is required to ensure that rights are respected in practice. (2) The greater the number of people who monitor the implementation of a right, and the greater their positions of power, the more completely the right will be implemented.

2. Economic Incapacity --*The society cannot afford the cost of implementing a right.* For instance, the most basic educational right to which essentially all modern-day governments are officially committed is that every citizen deserves the opportunity to obtain schooling of six years or more. In addition, in most, if not all cases, the government bears the responsibility for financing this opportunity. However, many governments have been unable to achieve the goal of universal basic schooling because the expense of providing enough buildings, teachers, and equipment is beyond the nation's financial ability. Such economic incapacity is typically exacerbated by the rapid population increases that so many present-day developing countries are experiencing. Thus, the funds that can be allotted for schooling not only fall short of accommodating this year's school-age population, but they fall even farther short of meeting the needs of the expanding cohorts of children who will be reaching school age in the years to come. Without effective birth-control and family-planning measures, such nations can be expected for fall increasingly behind in fulfilling the right to universal schooling.

A typical example is that of Indonesia in the mid-1970s when 28 percent of the entire population of 130 million were between ages 5 and 14, and the population was growing at an estimated 2.7 percent a year. At that rate, the population would exceed 200 million by the early

1990s. By the mid-1970s, an estimated 65 percent of elementary-school-age children were in school. Even with a growing economy supported by high oil-export prices, the nation was still unable to provide enough schools, teachers, and books for the existing school-age children. And at an annual population growth rate of 2.7 percent, the problem of financing schools in the future would be doubly difficult (Postlethwaite & Thomas, 1980: 50-51, 69-70).

3. Administrative Inefficiency *The society's administrative structure is unsuitable or the personnel in the system are incompetent for purposes of disseminating information about educational rights and for applying effective sanctions to people who violate those rights.* Nations that can afford to furnish educational facilities for all children typically link the right to basic schooling with the obligation to exercise this right. In other words, an elementary-school education is not only available, it is compulsory. And in order to ensure that all families respect this right and obligation, the societies maintain an administrative system intended for identifying all school-age children, for determining whether they are consistently in school, and for applying sanctions to those responsible for the children's absence. The people who perform this administrative function are called truant officers or pupil-attendance personnel. However, in many less-developed nations, the system of monitoring pupil attendance is so inefficiently organized and poorly staffed that the obligatory basic-schooling right is only partially realized in practice.

4. Political Expediency *Political activists, such as officials in a government, claim to endorse a right but in practice make no significant attempt to see that the right is implemented.* Both the leaders and citizens of every nation want their nation to be respected internationally. One way to gain such respect has been to display a high degree of educational provisions for the populace in both the quantity and the quality of education available. As a consequence, virtually all governments officially commit themselves to universal basic schooling and broad opportunities for advanced education. Although such a commitment on the part of political leaders is likely founded at least partially on a sense of compassion (a desire to be fair to every citizen), it also seems based in part on a desire to appear socially advanced in the eyes of the world. However, because of political expedience, the full measures needed to implement the commitment are frequently not adopted.

For instance, when the military establishment in the society demands a large segment of the national budget, political leaders may find it expedient to reduce the funds needed to implement universal schooling in order to meet the military's demands.

A more specific instance of political expediency is the case of educational decentralization in the West African nation of Cameroon. In order to better serve the educational rights of diverse ethnic,

religious, and language groups in different regions of the nation, the government in the 1970s set out a policy of administrative decentralization, a necessary conditions "for Cameroonians seeking to design new curricula based on diverse environments throughout the nation.... At the same time, however, the system is so highly centralized that concrete steps in pursuit of decentralization tend to be stillborn following conceptualization. It is clearly apparent that educational administrators do not believe there is a serious commitment by the government to implement decentralization.... Therefore, until forceful political action is taken to activate such a policy, portions of the bureaucracy will process the planning while others fail or refuse to implement it" (Rideout, 1983: 261).

5. Lack of Consensus *Not everyone in the society agrees that the claimed right is suitable or just, so some people make no effort to support implementation of the right or they actively attempt to frustrate efforts to enforce the right.*

This condition was illustrated in events following the 1954-55 U.S. Supreme Court ruling that "equal but separate" education facilities did not fulfill the spirit of the "equal rights to education" implied by the U.S. Constitution. The Court held that intentionally separating racial groups for purposes of schooling was a violation of the intention of equal rights to learn. School districts, in keeping with the court decision, were then obligated to integrate ethnic and social-class groups in the public schools by means of bussing pupils to schools outside their immediate neighborhood and by rearranging school-district boundaries to provide a greater mixture of ethnicity and social class in a given school. However, it soon became clear that substantial numbers of parents objected to school integration practices. They displayed their disagreement with the court ruling by moving out of communities that were undergoing school integration, by enrolling their children in private schools, and by initiating legal action aimed at altering or revoking the Supreme Court decision (Hawley, 1983; Scott & McPartland, 1982; Tauber & James, 1982).

6. Intergroup Competition and Conflict *Stated educational rights may fail to be carried out in practice because one group seeks educational advantages over another group.* The groups can be social-class levels, ethnic divisions, religious denominations, gender groups, or professional organizations. An educationally privileged group, such as a social-class level or a religious denomination, may seek favored educational treatment for members of their group.

Educational provisions in Malaysia illustrate this condition. In terms of ethnic origins, Malaysian society is around 50 percent Malay, 34 percent Chinese, and the remainder mostly Indian. Traditionally the Chinese minority dominated the economic system and had a substantially higher average level of schooling than the indigenous Malays. The present-day government,

controlled primarily by Malays, has adopted a policy of providing favored educational opportunities for Malay youth in an effort to redress what was interpreted as unjust treatment (in terms of educational and economic opportunities) of Malays during the country's period of British colonialism that ended at the beginning of the 1960s. The favored treatment included special schools and scholarships for Malays, the requirement that the Malay language become the medium of instruction in all schools beyond the primary level, and quotas limiting the number of non-Malay entrants to advanced education. Chinese in private objected that such a policy violated the principle that everyone should have equal access to education, regardless of their ethnic or religious affiliation. However, such opinions had little or no effect because Malays controlled the government, and the government forbid open criticism of its policies (Thomas, 1986).

7. Conflicting Rights *A right claimed by one individual or group is in conflict with the right claimed by another, so that one or both of the rights can end up being violated.* An example of such a conflict was demonstrated in November 1986 by a ballot initiative in a state election in California. One group claimed that children in school had the right to be taught in their native language and to maintain and enhance their command of that language. Another group claimed that the state had the right to established a single language as the official medium of communication, including the instructional medium in the schools. A variety of arguments were mounted by advocates on each side of the issue. The matter was settled by the voters who, by a rather large majority, endorsed English as the state's single, official language. In effect, the right of the society to enforce a single language as the schools' instructional medium took precedence over the right of individual learners to pursue their school careers in their native tongue (Baker, 1986; Ehrlich, 1986).

8. Lack of Diversity of Instructional Services *The education system is not effectively designed to serve the needs of minorities that cannot readily avail themselves of the typical instructional services that the system offers.* In the early stages of attempting to achieve universal schooling, societies typically cater to the needs of the majority of learners that are easy to reach and that can succeed with "normal" instructional services. What has become "normal" throughout the world is a classroom accommodating from 25 to 75 or so learners who listen to a teacher's lectures, who read textbooks, who write compositions, who participate in classroom discussions, and who take oral and written tests --all of this in the national language. However, such a mode of instruction fails to meet the learning needs of pupils who suffer physical disabilities (the blind, the deaf, the speech defective, the orthopedically handidapped), who suffer mental retardation, who live in remote areas (in the mountains, in the jungle, on an island), who are confined (hospitalized or in prison), who

are from a minority language group, or who are nomadic. Because such learners require exceptional methods of instruction, they typically are the last members of the society to have their educational rights fulfilled.

Conclusion: It should be apparent that the foregoing eight conditions are not mutually exclusive. One condition is frequently entwined with others. Furthermore, it should be clear that the eight are illustrative rather than definitive. Oher factors also influence the degree to which educational rights are carried out in practice. Such additional factors include (1) the unwillingness or inability of educationally disadvantaged groups to exercise their rights, (2) political or social instability that interferes with the peaceful, systematic operation of the society (war, revolution, famine, epidemic disease), and (3) segments of the society --such as religious denominations or ethnic groups-- that disagree with the form of education being provided and therefore avoid sending their children to school.

REFERENCES

Baker, Russell. (1986) Dealing with California. New York Times Magazine, December 7, p. 36.

Ehrlich, Elizabeth. (1986) Should English only be the law of the land? Business Week, (2972), Novemeber 10, pp. 116, 120.

Hawley, Willis D. (1983) Effective educational strategies for desegregated schools. Education Digest, 48 (6), pp. 30-33.

Postlethwaite, T. Neville, & Thomas, R. Murray. Schooling in the ASEAN Region. Oxford: Pergamon.

Rideout, William M. Jr. (1983) Cameroon: regional, ethnic, and religious influences on a post-colonial education system. In R. Murray Thomas (ed.) Politics and Education: Cases from Eleven Nations. Oxford: Pergamon.

Scott, Richard R., & McPartland, James M. (1982) Desegregation as national policy: correlates of racial attitudes. American Educational Research Journal, 19 (3), pp. 397-414.

Tauber, Karl E., & James, David R. (1982) Racial segegation among public and private schools. Sociology of Education, 55 (2/3) Apr/Jly, pp. 133-143.

Thomas, R. Murray. (1986) Malaysia. Education and Urban Society, 18 (4) August, pp. 399-411.

Eight Conditions Influencing the Implementation of Educational Rights

R. Murray Thomas
University of California, Santa Barbara

The extent to which claims to educational rights are actually fulfilled in a society depends on a variety of conditions. The purpose of this paper is to describe eight of the conditions that can contribute to a society's falling short in the implementation of such rights.

1. Complacency *People who claim to honor an educational right can fail, out of complacency, to take steps toward ensuring that the right is honored in practice.* The use of such terms as inalienable right or God-given right can lull people into complacency. Their assumption, then, is that the right will necessarily be honored, or if it is not, sanctions against people who violate the right will be applied by a supreme power, such as God or the "natural order to life."

Two rather obvious principles that bear on this factor of complacency are: (1) No human right is automatically guaranteed; constant vigilence is required to ensure that rights are respected in practice. (2) The greater the number of people who monitor the implementation of a right, and the greater their positions of power, the more completely the right will be implemented.

2. Economic Incapacity *--The society cannot afford the cost of implementing a right.* For instance, the most basic educational right to which essentially all modern-day governments are officially committed is that every citizen deserves the opportunity to obtain schooling of six years or more. In addition, in most, if not all cases, the government bears the responsibility for financing this opportunity. However, many governments have been unable to achieve the goal of universal basic schooling because the expense of providing enough buildings, teachers, and equipment is beyond the nation's financial ability. Such economic incapacity is typically exacerbated by the rapid population increases that so many present-day developing countries are experiencing. Thus, the funds that can be allotted for schooling not only fall short of accommodating this year's school-age population, but they fall even farther short of meeting the needs of the expanding cohorts of children who will be reaching school age in the years to come. Without effective birth-control and family-planning measures, such nations can be expected for fall increasingly behind in fulfilling the right to universal schooling.

A typical example is that of Indonesia in the mid-1970s when 28 percent of the entire population of 130 million were between ages 5 and 14, and the population was growing at an estimated 2.7 percent a year. At that rate, the population would exceed 200 million by the early

1990s. By the mid-1970s, an estimated 65 percent of elementary-school-age children were in school. Even with a growing economy supported by high oil-export prices, the nation was still unable to provide enough schools, teachers, and books for the existing school-age children. And at an annual population growth rate of 2.7 percent, the problem of financing schools in the future would be doubly difficult (Postlethwaite & Thomas, 1980: 50-51, 69-70).

3. Administrative Inefficiency *The society's administrative structure is unsuitable or the personnel in the system are incompetent for purposes of disseminating information about educational rights and for applying effective sanctions to people who violate those rights.* Nations that can afford to furnish educational facilities for all children typically link the right to basic schooling with the obligation to exercise this right. In other words, an elementary-school education is not only available, it is compulsory. And in order to ensure that all families respect this right and obligation, the societies maintain an administrative system intended for identifying all school-age children, for determining whether they are consistently in school, and for applying sanctions to those responsible for the children's absence. The people who perform this administrative function are called truant officers or pupil-attendance personnel. However, in many less-developed nations, the system of monitoring pupil attendance is so inefficiently organized and poorly staffed that the obligatory basic-schooling right is only partially realized in practice.

4. Political Expediency *Political activists, such as officials in a government, claim to endorse a right but in practice make no significant attempt to see that the right is implemented.* Both the leaders and citizens of every nation want their nation to be respected internationally. One way to gain such respect has been to display a high degree of educational provisions for the populace in both the quantity and the quality of education available. As a consequence, virtually all governments officially commit themselves to universal basic schooling and broad opportunities for advanced education. Although such a commitment on the part of political leaders is likely founded at least partially on a sense of compassion (a desire to be fair to every citizen), it also seems based in part on a desire to appear socially advanced in the eyes of the world. However, because of political expedience, the full measures needed to implement the commitment are frequently not adopted.

For instance, when the military establishment in the society demands a large segment of the national budget, political leaders may find it expedient to reduce the funds needed to implement universal schooling in order to meet the military's demands.

A more specific instance of political expediency is the case of educational decentralization in the West African nation of Cameroon. In order to better serve the educational rights of diverse ethnic,

religious, and language groups in different regions of the nation, the government in the 1970s set out a policy of administrative decentralization, a necessary conditions "for Cameroonians seeking to design new curricula based on diverse environments throughout the nation.... At the same time, however, the system is so highly centralized that concrete steps in pursuit of decentralization tend to be stillborn following conceptualization. It is clearly apparent that educational administrators do not believe there is a serious commitment by the government to implement decentralization.... Therefore, until forceful political action is taken to activate such a policy, portions of the bureaucracy will process the planning while others fail or refuse to implement it" (Rideout, 1983: 261).

5. Lack of Consensus *Not everyone in the society agrees that the claimed right is suitable or just, so some people make no effort to support implementation of the right or they actively attempt to frustrate efforts to enforce the right.*

This condition was illustrated in events following the 1954-55 U.S. Supreme Court ruling that "equal but separate" education facilities did not fulfill the spirit of the "equal rights to education" implied by the U.S. Constitution. The Court held that intentionally separating racial groups for purposes of schooling was a violation of the intention of equal rights to learn. School districts, in keeping with the court decision, were then obligated to integrate ethnic and social-class groups in the public schools by means of bussing pupils to schools outside their immediate neighborhood and by rearranging school-district boundaries to provide a greater mixture of ethnicity and social class in a given school. However, it soon became clear that substantial numbers of parents objected to school integration practices. They displayed their disagreement with the court ruling by moving out of communities that were undergoing school integration, by enrolling their children in private schools, and by initiating legal action aimed at altering or revoking the Supreme Court decision (Hawley, 1983; Scott & McPartland, 1982; Tauber & James, 1982).

6. Intergroup Competition and Conflict *Stated educational rights may fail to be carried out in practice because one group seeks educational advantages over another group.* The groups can be social-class levels, ethnic divisions, religious denominations, gender groups, or professional organizations. An educationally privileged group, such as a social-class level or a religious denomination, may seek favored educational treatment for members of their group.

Educational provisions in Malaysia illustrate this condition. In terms of ethnic origins, Malaysian society is around 50 percent Malay, 34 percent Chinese, and the remainder mostly Indian. Traditionally the Chinese minority dominated the economic system and had a substantially higher average level of schooling than the indigenous Malays. The present-day government,

controlled primarily by Malays, has adopted a policy of providing favored educational opportunities for Malay youth in an effort to redress what was interpreted as unjust treatment (in terms of educational and economic opportunities) of Malays during the country's period of British colonialism that ended at the beginning of the 1960s. The favored treatment included special schools and scholarships for Malays, the requirement that the Malay language become the medium of instruction in all schools beyond the primary level, and quotas limiting the number of non-Malay entrants to advanced education. Chinese in private objected that such a policy violated the principle that everyone should have equal access to education, regardless of their ethnic or religious affiliation. However, such opinions had little or no effect because Malays controlled the government, and the government forbid open criticism of its policies (Thomas, 1986).

7. Conflicting Rights *A right claimed by one individual or group is in conflict with the right claimed by another, so that one or both of the rights can end up being violated.* An example of such a conflict was demonstrated in November 1986 by a ballot initiative in a state election in California. One group claimed that children in school had the right to be taught in their native language and to maintain and enhance their command of that language. Another group claimed that the state had the right to established a single language as the official medium of communication, including the instructional medium in the schools. A variety of arguments were mounted by advocates on each side of the issue. The matter was settled by the voters who, by a rather large majority, endorsed English as the state's single, official language. In effect, the right of the society to enforce a single language as the schools' instructional medium took precedence over the right of individual learners to pursue their school careers in their native tongue (Baker, 1986; Ehrlich, 1986).

8. Lack of Diversity of Instructional Services *The education system is not effectively designed to serve the needs of minorities that cannot readily avail themselves of the typical instructional services that the system offers.* In the early stages of attempting to achieve universal schooling, societies typically cater to the needs of the majority of learners that are easy to reach and that can succeed with "normal" instructional services. What has become "normal" throughout the world is a classroom accommodating from 25 to 75 or so learners who listen to a teacher's lectures, who read textbooks, who write compositions, who participate in classroom discussions, and who take oral and written tests --all of this in the national language. However, such a mode of instruction fails to meet the learning needs of pupils who suffer physical disabilities (the blind, the deaf, the speech defective, the orthopedically handidapped), who suffer mental retardation, who live in remote areas (in the mountains, in the jungle, on an island), who are confined (hospitalized or in prison), who

are from a minority language group, or who are nomadic. Because such learners require exceptional methods of instruction, they typically are the last members of the society to have their educational rights fulfilled.

Conclusion: It should be apparent that the foregoing eight conditions are not mutually exclusive. One condition is frequently entwined with others. Furthermore, it should be clear that the eight are illustrative rather than definitive. Oher factors also influence the degree to which educational rights are carried out in practice. Such additional factors include (1) the unwillingness or inability of educationally disadvantaged groups to exercise their rights, (2) political or social instability that interferes with the peaceful, systematic operation of the society (war, revolution, famine, epidemic disease), and (3) segments of the society --such as religious denominations or ethnic groups-- that disagree with the form of education being provided and therefore avoid sending their children to school.

REFERENCES

Baker, Russell. (1986) Dealing with California. New York Times Magazine, December 7, p. 36.

Ehrlich, Elizabeth. (1986) Should English only be the law of the land? Business Week, (2972), Novemeber 10, pp. 116, 120.

Hawley, Willis D. (1983) Effective educational strategies for desegregated schools. Education Digest, 48 (6), pp. 30-33.

Postlethwaite, T. Neville, & Thomas, R. Murray. Schooling in the ASEAN Region. Oxford: Pergamon.

Rideout, William M. Jr. (1983) Cameroon: regional, ethnic, and religious influences on a post-colonial education system. In R. Murray Thomas (ed.) Politics and Education: Cases from Eleven Nations. Oxford: Pergamon.

Scott, Richard R., & McPartland, James M. (1982) Desegregation as national policy: correlates of racial attitudes. American Educational Research Journal, 19 (3), pp. 397-414.

Tauber, Karl E., & James, David R. (1982) Racial segegation among public and private schools. Sociology of Education, 55 (2/3) Apr/Jly, pp. 133-143.

Thomas, R. Murray. (1986) Malaysia. Education and Urban Society, 18 (4) August, pp. 399-411.